The Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move :

" That the Mysore Contract (Extension to Agricultural Land) Bill, 1954, be passed."

Mr. SPEAKER.—The question is:

" That the Mysore Contract (Extension to Agricultural Land) Bill, 1954, be passed."

The motion was adopted.

MYSORE CO-OPERATIVE SOCIETIES (AMENDMENT) BILL, 1954.

Dr. R. NAGAN GOWDA (Minister for Agriculture).—Sir, I move for the concurrence of the Assembly in the appointment of the Joint Select Committee of the two Houses to consider the Mysore Co-operative Societies (Amendment) Bill, 1954.

In doing so, I wish to say a few words regarding the necessity for this amended Bill for the Co-operative Societies Act.

2 P.M.

For some time past we have been considering the question of giving short-term loans to the agriculturist through co-operative societies for crop production, for holding the produce and for marketing the same with the help of finances which the Reserve Bank of India was willing to advance to us. I am glad to say that during this summer we have been able to get the financial help from the Reserve Bank of India and give it through the three central banks which have been started in Mandya, Hassan and Shimoga. In order to enable the Co-operative Societies to carry out one of the important conditions that have been imposed by the Reserve Bank, that is, to collect the loans that have been issued to the co-operative societies in time, promptly and, as far as possible, fully, it was found necessary to amend certain provisions in the Co-operative Societies Act. Till now, it was not possible to do that under the provisions that are now in the Co-operative Societies Act. The amendment Bill that is now before you provides for these powers, to enable the Central Bank, the co-operative societies and the Registrar to take effective steps for the collection of this amount.

Along with that, it was necessary for us to amend certain other sections to protect the interests of co-operative societies, to see that the properties that are mortgaged either as crops or as immovable properties are not alienated and difficulties created for the societies afterwards. It was also necessary to take steps to stop what are known as binami loans that we find here and there being indulged in by members of some societies. It is not very extensive but wherever it was found that such things had been attempted, it was necessary to take steps to see that effective checks were taken to prevent such transactions and also to see that the moneys that are given on such loans are promptly recovered.

The old Act did not provide for large sums to be taken as shares by members of co-operative societies. The co-operative principle, we are aware, insists on a large number of members taking small share capital to help one another and be helped by all others. But in the working of this and in the organising of the District Central Bank, we found it necessary to enable the members to take a bigger share capital than was being taken till now according to present rule. So we have also amended one of the sections which fixes the share capital that any one member can hold up to only Rs. 1,000. We have stated that a member can be allowed to take as much as Rs. 10,000 share capital. Here the fundamental principle, that it does not matter what amount as share capital a member holds, he is entitled to only one vote, is of course kept in view. No alteration has been made in that respect.

I will not take much time of this House at this juncture by going into details and reading out the sections that have now been amended. But I will mention only a few important

(DR. R. NAGAN GOWDA).

ones. Section 22 which deals with charges created on security offered to societies for the loans that are taken by members has been now amended so as to make it impossible for a member to alienate or transfer his property on which a charge has been created. This is also in consonance with the one fundamental co-operative principle, namely, that a member of a co-operative society should as far as possible keep his borrowings and dealings to one source of finance. This is a principle that has been followed in all the countries where co-operative societies have made much progress. But, unfortunately, in our country, in some areas, co-operative societies have been used merely as one additional source for borrowing money. This amendment to the section prohibits any member from alienating any property on which a charge has been created in favour of a society.

In the case of those who are not active cultivators, there is a provision which enables them to lease the property with the permission of the society, for cultivation purposes. We have introduced another section namely, 22-A. We thought it desirable to have an appropriate legal provision in the Act under which a member borrowing money from a co-operative society should agree to a charge being created on a specific portion of his immovable properties in favour of the society. In this amendment I wish to point out that a member borrowing money from the co-operative society need not create a charge on his entire property. He is allowed to keep for himself, if he has large properties, a certain amount of property without creating a charge on them. If in case he wants to dispose it of or in any other way use it, he would be free to do so.

While organising co-operative societies and banks, we find that it was necessary for them to go to Government for financial assistance. We have introduced therefore a new section permitting societies going to Government for such financial aid either in the form of loans or even as share capital.

Some co-operative societies, it has been found in our experience, have not been discharging their functions properly. The number is not very great. But still it becomes necessary for us to take care of such societies which do not carry out their functions properly. How many have come under this category and what the percentage is, I am not able to mention readily now. I believe I mentioned about it during the Budget discussion, and later when we take up for consideration the several clauses, I will be able to give those figures. But when the Board of Management of a a co-operative institution does not carry on its functions according to rules and discharge its duties properly, it becomes necessary for the Registrar to take effective steps to see that the society functions and carries on properly. It might be necessary sometimes to supersede the Board of Management of a co-operative society. There is provision already in the Co-operative Societies Act to that effect. Under that provision sometimes it has been found difficult to effectively take steps. The procedure contemplated under that section, as it is now, is somewhat cumbersome and it is not possible to take immediate steps. So it was found necessary to give powers so as to enable the Registrar to take effective steps to supersede and carry on the work of a society. In amending this section as we have done now, we have consulted the Co-operative Societies Acts in force in the neighbouring States of Madras and Bombay. This one section follows to some extent a similar section in Madras Co-operative Societies Act. Before I leave this section, I wish to state that the amendment is not proposed to give autocratic powers to the Registrar, nor is it the intention of the Government to change the democratic set-up or the constitution of co-operative societies except when it becomes absolutely necessary and, even in that case, it will only be for a very short period. There is a similar provision in Madras and it has been used with very great care there. In Madras, it has been found that a section like that is very desirable

and so far as I know there is no complaint from the co-operators there. With the difficulties we have had for a long time now, I think the Hon'ble Members of this House will consider the ideas and the motives the Government has in bringing this amendment to this section. I wish Hon'ble Members to consider this section with care and give their consent to the same.

Then we have another small amendment regarding liquidation proceedings, etc. We have also a very small amendment regarding surcharge. Co-operative movement is meant for a group of people joining together and helping one another. That is the most important motive behind co-operative movement. When that is so, if certain members once in a while misuse the co-operative funds and the position they occupy, it is necessary to take steps to make them return the amounts that are so misused. Section 49(1) is meant for that purpose, but somehow it has been worded so vaguely that it has been found difficult to prove the charges whenever it is necessary to take action under this section. As a result of this, many a member is found taking shelter on the loosely worded provisions of this section. In the amendment that we have proposed, we have again consulted the Acts in the neighbouring States and, in this case, we have followed the Bombay procedure. I might say now that it has been our intention to take advantage or make use of the experience that has been gained in the co-operative movement not only in our State but also in our neighbouring States, both in Bombay and Madras. I will not say that the wording as proposed here is exactly the same. As a matter of fact, what we are proposing is not as comprehensive as the Bombay provision, but we wanted to improve it and change our present Act to some extent and make it more effective.

Sri J. MOHAMED IMAM (Jagalur).—What is the important improvement actually ?

Dr. R. NAGAN GOWDA.—I have given both improvements made in here and the section as it is as also the amendments we have proposed. We will go into it when we come to consider these clauses. The original section from the Co-operative Societies Act . . .

Sri B. HUTCHE GOWDA (Turuvekere).—We have not got copies of the old Acts.

Dr. R. NAGAN GOWDA.—We will make some arrangements by which it will be possible for the copies of the old Acts—at least a few copies—to be made available to you. We will also try to see that the Madras Act and the Bombay Act are made available here.

Now, 54 A is to enable us to recover moneys due to societies, especially in respect of loans that we have given for raising crops and for seasonal finances. Since the money that we advance for cultivation purposes is for a very short period, it is necessary that the crops that are raised with the help of these moneys ought to be utilised also in general,—I am only speaking in general terms,—for the payment of the loans that are taken by the cultivator ; we have enabled the Registrar to take some immediate steps if he finds that there has been delay or the member that has taken the loan is not prompt in his payment. The important point in these short term loans is this. We are giving these loans for crop production purposes and the cultivator who has taken these loans for the purpose mentioned is not often a very well-off man. He has no other sources for his cultivation needs and the produce that he grows with the help of this money is probably the only produce or asset he has got and if he sells away that produce and does not use that money to repay the loan, it becomes very difficult for us to get back the money out of him. If he does not sell the produce but makes some other arrangements to pay back the loan that he has taken, it is well and good. The principal thing that is necessary to bear in mind in all co-operative societies' transaction is that the cultivator or the member who has taken the money should be coaxed or cajoled and persuaded to pay back the money before the harvest is disposed of.

Sri B. HUTCHE GOWDA.—If he deposits the grain ?

Dr. R. NAGAN GOWDA.—If he deposits the grain, it is well and good. It is the intention underlying the co-operative movement that the produce that he has grown out of this is deposited either in some society or in a village rural marketing society or multi-purpose co-operative society to pay back the loan that he has taken. In many of the cases, it is necessary that the produce that is grown out of the money that has been borrowed from the society, to the extent that is necessary, should be utilised for the repayment of the loan that he has taken. But this does not happen in many cases. It is the experience of the co-operative societies in India and other places and that is the reason why we have tried to give some powers to the Registrar to take quick and prompt steps to collect the money or the produce equivalent to the money that is owing.

Section 55 is regarding benami loans. There was no provision in the old Act. Now we have made provision for dealing with these benami loans and those who indulge in such loans.

Sir, this Bill was placed before the Legislative Council and it has been considered there and they have suggested that it should be considered by a Joint Select Committee, I therefore beg to move :

That this House concurs in the appointment of a Joint Select Committee of both Houses consisting of a total number of twelve members, four members of the Council and eight from the Assembly, to consider the Mysore Co-operative Societies (Amendment) Bill, 1954 and that the following members of this House shall be the members of the Joint Select Committee :

Sri G. Narayana Gowda, Sri G. Duggappa, Sri K. Mudduramaiah, Sri V. Masiyappa, Sri T. Mariappa, Sri G. Basappa, Sri S. Srinivasa Iyengar, Sri B. P. Nagaraja Murthy.

Mr. SPEAKER.—Motion moved :

That this House concurs in the appointment of a Joint Select Committee of both Houses consisting of a total number of twelve members, four members of the Council and eight from the Assembly, to consider the Mysore Co-operative Societies (Amendment) Bill, 1954 and that the following members of this House shall be the members of the Joint Select Committee :

Sri G. Narayana Gowda, Sri G. Duggappa, Sri K. Mudduramaiah, Sri V. Masiyappa, Sri T. Mariappa, Sri G. Basappa, Sri S. Srinivasa Iyengar, Sri B. P. Nagaraja Murthy.

*Sri A. BHEEMAPPA NAIK (Molakalmuru).—Sir, I want to know whether even before the consideration motion is moved and discussed, this motion for a Joint Select Committee should be moved and names also straightaway announced. Once the principle of the Joint Select Committee is accepted, and the personnel is also announced, there is no question of considering the merits of the Bill at all. The usual procedure here was to make the motion for consideration first and when the Bill had been discussed on merits, if there was any necessity and if this House felt that there should be a Committee to consider the provisions in detail, then a committee would be appointed and names announced. Supposing this House after considering the merits feels no difficulty, a Select Committee may not be necessary at all. In such circumstances, I submit, Sir, that this is not the stage either to move for the appointment of a Joint Select Committee or to announce the names of members of that Committee.

2-30 P.M.

Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—I believe that is the usual practice, Sir.

Sri J. MOHAMED IMAM.—The first motion would be, that the Bill be taken into consideration ; after the consideration stage is over, it would be referred to the Select Committee. The third stage would be, that the Bill be passed. We are still at the consideration stage.

Sri A. G. RAMACHANDRA RAO.—The latter half of the motion, namely, reference to the Select Committee, may

be taken up later on, Sir. I may submit, there is a small difference. This is a Joint Select Committee. Because that motion has been passed in the other House, I think, it would be within our limits to club the two motions, for consideration as well as for referring to the Joint Select Committee.

Sri J. MOHAMED IMAM.—When this House takes a decision, then the question arises whether we have to include the Members of the Upper House.

Sri A. G. RAMACHANDRA RAO.—The motion is passed by the Legislative Council. Therefore, it is in the fitness of things that the two motions be clubbed together.

Mr. SPEAKER.—The motion is in order because this particular form is the usual one in the present circumstances. What is required is, concurrence with the other House in the setting up of a Joint Select Committee.

Now, the Hon'ble Members can offer their observations both on the Bill and the motion to refer to the Joint Select Committee.

Sri S. SRINIVASA IYENGAR (T.-Narsipur).—Mr. Speaker, Sir, I rise to offer my observations on the Mysore Co-operative Societies (Amendment) Bill.

Sri J. MOHAMED IMAM.—I raise a point of order. This is very interesting and an academic issue. Can a Member whose name is proposed to the Joint Select Committee take part in the debate? In this connection I would refer to the Ruling by the Deputy Chairman in the Council of States. The point was raised when Dr. Ambedkar wanted to take part in the debate as his name was proposed to the Select Committee. Objection was raised that a person whose name was proposed to the Joint Select Committee should not be allowed to take part in the debate. The Chairman at that time, Sri S. V. Krishna Murthy Rao, a Mysorean, in order to create a healthy atmosphere, gave a ruling that the member whose name was proposed to the Select Committee must not take part in the debate; either the member must not take part in the debate or not give his consent to work on the Select Committee.

Sri A. BHEEMAPPA NAIK.—All this anomaly arose because . . .

Sri S. SRINIVASA IYENGAR.—A ruling has been already given.

Sri A. BHEEMAPPA NAIK.—I submit to it. I am making out another case, Sir. If this Bill had been brought before this House earlier, it would have been a different thing. Usually, whenever a Bill of this type is brought, it is first brought before the Lower House and after consideration of the Bill here, it is taken to the Upper House. It is not done in this case. They have committed us to a position and have made us to agree to the Joint Select Committee because our elders, though many of them are youngsters (*Laughter*), have proposed a certain measure.

Mr. SPEAKER.—But many of them are elders to some of us here.

Sri A. BHEEMAPPA NAIK.—Nothing prevents Government from taking the Bill first to the Upper House. But the convention is, whenever an important Bill is brought before the Legislature, it is first brought before the Lower House. Respecting the convention that has been established elsewhere, Sri Srinivasa Iyengar will not speak, though entitled to speak in a way. He has the opportunity to speak in the Committee. He can hear us because he is going to sit in judgment over the opinions expressed by us here, in the Select Committee. I hope, according to the proposal made by his own Leader, he will create conventions and leave it there.

Sri S. SRINIVASA IYENGAR.—I will offer my remarks, Sir. There are two things here. One is, the concurrence of the Assembly for the appointment of the Joint Select Committee. What I intend to do is to prove that the Bill itself should be withdrawn. It is not even fit to be referred to a Select Committee; concurrence comes later. Before that, I must have every chance to prove that it is not fit to be referred to a Select Committee. Therefore, Sir, that ruling does not apply in this case.

Sri Mulka GOVINDA REDDY (Chitaldrug).—I would like to invite the

(SRI MULKA GOVINDA REDDY.)
attention of the Chair to Rule 54 (1) of the Rules of Procedure :

"54 (1) When a motion that a Bill be taken into consideration by the Assembly is passed, the member in charge or any other member may move that the Bill be referred to a Joint Select Committee."

According to this rule, the second motion cannot be clubbed with the first motion.

Sri A. G. RAMACHANDRA RAO.— Sir, two main points have been raised. Firstly, some objection has been taken for having brought up this measure after its introduction in the other House. Legally speaking, there is no illegality or defect. But, as a matter of practice, I agree with the Hon'ble Members that usually important measures should be initiated in this House. So, Government will take care to see and will get its initiation first in this Hon'ble House.

Next, Sir, a point is raised as to whether the member of the Select Committee could participate in the discussion here. There are three stages, Sir. One is, before the Select Committee is formed ; the second stage is, when the Select Committee has been formed and the members are taking part in the discussion, and, thirdly, after the Select Committee submits its report. Now, we have not even decided about the finality of the Select Committee. The Member is absolutely free to take part in the discussion.

Sri A. BHEEMAPPA NAIK.—The Select Committee has been proposed and the Chair has announced.

Sri A. G. RAMACHANDRA RAO.— Proposal is different, Sir.

Mr. SPEAKER.—Two of the points raised have been answered by the Hon'ble the Minister for Law. The only point that now remains is, whether Sri Srinivasa Iyengar can speak on this or not. Though I am aware of the ruling given in the Council of States, we have not followed any such convention here so far. Some convention has been laid down in the Council of States and it is being followed there. There is no such convention here. I shall consider that matter and give a ruling later. Now, I permit Sri Srinivasa Iyengar to speak.

Sri J. MOHAMED IMAM.— When an adjournment motion was moved on a previous occasion, the late Speaker referred to the convention of the Parliament and on the strength of that convention, he disallowed the motion.

Sri T. MARIAPPA (Mysore City—North).—Sir, his analogies are highly misleading. Let us confine to a particular point that has arisen.

Sri Mulka GOVINDA REDDY.— These motions cannot be clubbed together according to the rule.

Mr. SPEAKER.—The Rule referred to by the Hon'ble member only concerns a Bill which originates in the Assembly. Now, the present Bill is one that originated in the Legislative Council and is sent to this House for concurrence in setting up a Joint Select Committee.

Sri Mulka GOVINDA REDDY.— The Bill was not passed by the Legislative Council ; the Bill was referred by the Council to a Joint Select Committee.

Mr. SPEAKER.—This Bill originated in the Legislative Council and it is referred for concurrence to the setting up o a Joint Select Committee ; it is now placed before this House for consideration. Therefore, Rule 54 does not apply to this case.

***Sri S. SRINIVASA IYENGAR.**— Mr. Speaker, Sir, I wish to offer my observation on this Mysore Co-operative Societies (Amendment) Bill, 1954. Sir, I have had some experience about these co-operative institutions. I have worked as Secretary of Mysore Provincial Co-operative Institute and also served for a number of years on the Board of Directors of the Apex Bank. I have organised a co-operative institution in my own place and worked it for about 10 to 20 years. Therefore, I thought I could place my experience before this House so that Members may benefit by my experience.

Sir, the co-operative movement is in the State for the last 50 years. In 1904 or 1905 it was introduced in the State. If the movement has not developed all these years, it is not because of the paucity of funds at their disposal but because of the tendency

of the Government to treat it as a foster child. This has been the defect. The co-operative institutions have all along been mostly credit institutions. These institutions have to be worked as to promote the social and moral advancement of the members or even the citizens of the place where the institutions are registered. It is the failure to appreciate this viewpoint that has made it not to advance properly. The co-operative movement is not new to us. Even prior to that there was co-operative tendency in our lives. We had developed co-operative way of living under the Manudharma Sastra and the Vedic Age. We have developed co-operative temperament. I may quote from the Co-operative Seminar report itself in support of this statement. The principle is adumbrated in the Taittireeya Upanishad. In page 94 of the Seminar Report I find this quotation :—

ಸಹನಾ ಭವತು
ಸಹನೌ ಭುನಕ್ತು
ಸಹವೀರ್ಯಂ ಕರವಾವಹೈ.
ತೇಜಸ್ವಿ ನಾ ವಧೀತಮನ್ತು
ಮಾ ವಿದ್ವಿಷಾವಹೈ
ಓಂ ಶಾಂತಿಃ ಶಾಂತಿಃ ಶಾಂತಿಃ

The English translation runs as follows :—

"Om'. May Brahman protect us
both Guru and the disciple;
May he enrich us both;
May we work together with great energy;
May our study be vigorous and fruitful;
May we not hate each other.
Om! Peace, peace, peace."

The co-operative movement is not new to us. Does this Bill in any way try to improve the existing position or does it retard the progress we have already achieved? That is the point. In my view the Bill that is introduced before us is anti-democratic and retrograde. After all, the Co-operative Societies Act was enacted in 1948, about 6 years ago. What is the experience of the Government in the enforcement of that Act, which has prompted them to amend the Act so much? The amendment Bill that is before us is against the very principles of the co-operative system. And I will presently show that.

Sir, clauses 2, 3, 9 and 11 pertain to principles of co-operation; clauses 6 and 7 pertain to property rights; and clauses 8, 10, 13, 14 and 15 pertain to judiciary rights. I will now proceed one by one.

The Hon'ble Minister has explained to the House the necessity for this Bill clause by clause. So I have also made up my mind just to give my impression about the clauses that he was pleased to mention. In respect of clause 2, the Hon'ble Minister said that he thought that by amending section 7 of the Mysore Act of 1948, he wanted the members to subscribe for a larger number of shares. That is what clause 2 says. May I submit to this House that co-operative institutions have fixed share capital. At the time of registration, the share capital is fixed. At that moment the number of shares that every individual can have is adjusted in such manner as to benefit as large a number of people as possible. That is the co-operative system; as many people as possible should participate in the working of the institution and should work for the common good of all the people. But here it says that the limit should be raised from Rs. 1,000 to Rs. 10,000. I will illustrate. Suppose there is an institution whose authorised share capital is Rs. 30,000 and the maximum share amount that any member can subscribe for is Rs. 1,000. Then about 30 people of that locality can be share-holders of that co-operative institution. But by accepting this amendment there may not be three people for the whole institution. (*A Voice*: How?) Because the maximum share-capital is raised to Rs. 10,000. So, by changing the maximum to Rs. 10,000, we will be restricting the number. That means fewer number of people will monopolise. In the name of co-operative societies, you are creating vested interest. That is why I said that the Bill is not fit to be referred to the Select Committee and it must be withdrawn, because it is against the principles of co-operation.

(SRI S. SRINIVASA IYENGAR.)

Next, clause 3 of this Bill seeks to introduce limitation on the membership. While doing so, the Bill seems to restrict it to credit institutions only. Why should the membership of credit institutions only be restricted? As you know, today the granting of membership is the paramount right of the Directors. The Board of Directors is elected by the general body and the general body is the sovereign body. It is a statutory body. It elects its own directors and the Board in their meetings dispose of the membership applications. But why should the Registrar have this power? Clause 3, sub-clause (*b*) reads as follows:

> "save where the Registrar otherwise directs, are members of the same class or occupation."

What do the Government mean by 'same class'?

Sri T. MARIAPPA.—To a limited extent the Registrar should have power.

Sri S. SRINIVASA IYENGAR.—Why?

Sri T. MARIAPPA.—Particularly when the functional societies or occupational or group societies have to be organised, this clause is necessary.

Sri S. SRINIVASA IYENGAR.—That is why I said that we must appreciate that co-operative institutions are there for the moral and social advancement of the people. We should not miss the fact that co-operative institutions are established not only for the purpose of economic well-being of the members but also for the purpose of social and moral advancement of the people. Do not think that officialization would generally advance the co-operative cause. That had been discouraged all along. Too much of officialization has made us not to advance much even though it is 50 years since the movement started in the Mysore State. I was referring to the words 'same class' in clause 3. In the explanatory note in this clause, an attempt is made to explain the words. But I fail to understand what the Government mean by 'same class'. Further clarification is necessary.

Now, clause 9—Insertion of new section 32A in Mysore Act of 1948. The effect of this amendment is to enable Governmentto have a right to own shares in co-operative concerns. Why should they want to be shareholders? The moment you subscribe to the share capital you become a member of that institution. You are liable to the commissions and the omissions of that institution. You are a member of the institution and as Government you want to sit in judgment over the affairs of that institution. How unnatural it is! Why should you own shares at all? Supposing you are permitted to own shares. Will you not have the vote? Will you not influence in the election of the Board of Directors? Will you not try to have your own men to influence the decision of the co-operative institution? Why should you try to interfere with the working of the institution? Granting of loans is one thing. But owning shares is a serious matter. You should not have the right to own any shares in any co-operative institution. You will be influencing the general body in their decision. I am therefore entirely opposed to Government owning shares in any co-operative concern in the State.

Next I come to clause 11. This is really a strange provision. It refers to supersession. Suppose the affairs of a co-operative society are found to be beyond adjustment or found to be absolutely unchangeable or defective or unbearable, then the Registrar will have the power of supersession. Let us know what the provision is in the present Act. If the Registrar receives a complaint of bad management or mismanagement in any co-operative concern, according to the present provision, he issues show cause notice to the Board of Management to appear before him and explain why action should not be taken against the society. And if the Registrar is convinced that action is necessary, then he issues a direction that the general body may be summoned immediately for the purpose of electing a new Board of Management, because it is the general body that elect members to the previous Board. The general body elects a new committee and if that new committee is found to connive with the old committee, then the

Registrar has still the power of nominating his own men superseding the whole directorate. Now, what does this clause suggest? It takes away the provision of giving an opportunity for the general body to elect a new committee and empowers the Registrar to nominate anybody whomsoever he likes as liquidator. Is that which we have bargained for? Is that co-operative principle? Do the Government really believe in it? The general body in their annual meeting elect the Board of Management and if the Registrar is satisfied about the mismanagement of such a Board, he should refer the matter to the general body which is a sovereign body to elect a new Board. Why should Government try to snatch power from the general body? That I cannot understand. So, the Bill does not deserve either to be referred to the Select Committee or even to be discussed in this House. It must be automatically withdrawn, because, it is against all co-operative principles.

Sri T. N. MUDALAGIRI GOWDA (Kunigal).—In some societies, the general body never meets even though the meetings are called for twice or thrice.

Sri S. SRINIVASA IYENGAR.—Under the present Act, the Registrar has the power to summon the general body *suo motu*. If the Registrar does not enforce the provision it is a mistake not of the general body but of the department. Some interested parties will have a hold in co-operative societies for years and years together. I know that. But the Registrar has the power to summon the general body meeting by-passing the Board when he knows that the Board is unwilling to summon the general body meeting. He should exercise that power. It is there in the present Act.

3 P.M.

Coming to the second category of clauses, I said that clauses 6 and 7 relate to property rights. Sir, clauses 6 and 7 offend the Transfer of Property Act. That act is a Central enactment. And I believe this House is not competent to pass legislation to amend the provisions of the Transfer of Property Act. That Act stipulates the rights of an individual who owns property. But this Bill seeks to curtail it. Why? Why do you enact such legislation? I will prove how it curtails the powers. Clause 6 says:

> "(2) No property or interest in property which is subject to a charge under sub-section (1) shall be transferred in any manner except by way of lease for a term not exceeding ten years, without the previous permission of the society."

Mr. SPEAKER.—The House will now rise for lunch and meet at 3-30.

The House adjourned for Lunch at One Minute past Three of the Clock and reassembled at Thirty Minutes past Three of the Clock.

[Mr. Speaker in the Chair.]

Sri S. SRINIVASA IYENGAR.—Mr. Speaker, I was just referring to clauses 6 and 7 of the Bill. I was saying that they offend the provisions of the Transfer of Property Act which is a Central enactment. Even if we legislate, I am of the opinion that this Bill has to receive the assent of the President. Sir, clause 6 of the Bill, I have already read. According to that, if any member is financed in money from any credit society, then he cannot raise any kind of loan anywhere other than the co-operative society of which he is a member. Suppose the loan that he gets from a co-operative society will not enable him to meet his financial commitments to the full extent, what should he do? Sub-clause (3) says:

> "(3) Notwithstanding anything contained in any law, any transfer made in contravention of the provisions of sub-section (2) shall be void as against the society."

Well, Sir, the moment an agriculturist hears about this, nobody will become a member of a co-operative society.

(SRI S. SRINIVASA IYENGAR.)

One thing is, the society will not be in a position to help his financial needs fully and secondly, if he has to obtain any kind of loan from that society, he has to accept the position of having a charge on the properties specified in the declaration. Suppose, on account of an emergency he raises a loan outside, then according to sub-clause (3) it shall be void as against the society. I would like to know which banker would run the risk of advancing money to such a member. The society will not be in a position to finance further and the banker who is in a position to finance is not prepared to finance because of the existence of sub-section (3). Therefore the moment an agriculturist member of a taluk hears about this, he would rather withdraw his membership from such an institution than subscribe his membership to that. Therefore I feel that it is not proper to restrict his right.

I am quite conscious of the provision in the clause by means of which any member can be permitted by the society to raise a loan outside. As we know already, in almost all the taluks, these co-operative institutions are being dominated by political parties. The multi-purpose societies, in majority of cases, are being manned by influential groups and they have taken over control completely. It has been found very difficult to unseat them. That has been the position and suppose a member belonging to a group other than the group in power, do you think such permission would be granted? You will be subjecting the member to risk and his entire future and position are in jeopardy if this amendment is accepted.

Sir, clause 7 is for the insertion of a new section 22-A in the Mysore Act LII of 1948. I would like to know the need for this section. This section says:

> "(i) any person who makes an application to a society of which he is a member for a loan shall, if he owns any land, make a declaration in the prescribed form. Such declaration shall state that the applicant thereby creates a charge on the land owned by him and specified therein for the payment of the amount of the loan which the society may make to the member in pursuance of the application and for all future advances, if any, required by him which the society may make to him as such member subject to such maximum as may be determined by the society together with interest on such amount of the loan and advances;"

Sir, in section 22-A (i) I believe the loan advanced by a society is already treated as a charge on his property. This section does not say that the loan advanced by the society is the first charge on property. It simply says that a person who has borrowed money should see that he creates a charge on his property. But under the existing Act, Section 22 (i), the amount borrowed by him is the first charge on his property. So, I would like to know why this provision should be there. It amounts to redundance.

Sir, if you read section 22-A (iii), you will understand the gravity of this section:

> "No member shall alienate the whole or any part of the land specified in the declaration made under clause (ii) until the whole amount borrowed by the member together with interest thereon is paid in full."

He has given a declaration to the society stating therein the properties he owns and has declared that he has created a charge on the property prescribed therein. So he cannot create a further commitment on that item of property. The member has first to discharge the debt due to the society before alienating his property to anybody else; unless he sells, the property, how else can he obtain money to redeem the debt of the society? Suppose he sells the property to liquidate the debt due to the society, such a transaction is void as against the society. That does not seem to be proper. We will be forcing the member to approach unscrupulous bankers and

get a loan temporarily until he gets released and conferring privileges on the banker rather than on the member. Therefore I think that provision does not sound proper.

Sir, in addition to that, certain influential groups in the society may deprive certain persons opportunities of raising any kind of loan. We have seen such instances in many places and members have suffered on account of them. It is very bad.

I am coming to the third category, *i.e.*, clauses 8,10,13 and 15—they pertain to judiciary. By the introduction of these clauses in this Bill, the Government have attempted to abridge the powers of the judiciary. When it is ordained in the Constitution that Judiciary should be separated from the Executive, every attempt is being made to take away the powers of the judiciary and clothe the Executive with these powers. I believe in this respect the Government are acting in contravention of the Constitution itself. All these clauses could be quoted and the exact point where the Government wants to take away the right of the Judiciary could be stated. I will do it presently. Sir, in clause 8 please read the last sentence. It says : "...except by order of the court made for special cause." This relates to summoning of records. Civil courts have the right to summon any record. But this Bill seeks to put restriction on civil court's right to summon records from the liquidator. The liquidator may be anybody. An ordinary clerk may be a liquidator; a non-official may be a liquidator. By this Bill you want the court to give a finding whether the records could be summoned or not and even before the actual records are summoned. If suppose anybody wants to summon records, then in that case, the counsel has to apply to the court for permission to summon records. The judge has to give a finding whether the counsel could be granted this right of summoning records. It is an absolute restriction. As it is, any civil court can summon any record and it must continue to be so.

And secondly, Sir, I will just read clause 10 so that the Hon'ble Members may appreciate my arguments:

> '10 (2 : for the words from "by the distress and sale," to the end of the section, the words "and on such application such magistrate shall proceed to recover the sum in the same manner as if it were a fine imposed by himself" shall be substituted.'

This is very important, Sir. Section 43 of the principal Act has a provision for the collection of costs by distress and sale. The Amildar puts up the property for sale and the amount is collected. I do not think the department has come across with any trouble in th procedure. Then why should a magistrate be approached to collect the cost in the same manner as he would take up for the collection of a fine imposed by him. This means t at the department is not satisfied with the collection of costs but wants to imprison the Member too. Is that what you want? Imprisonment to be introduced in a co-operative Act!! For non-payment of the costs you want to imprison the defaulter! It is a retrograde step and none of us will agree to that.

Sri A. BHEEMAPPA NAIK.—This is imposing a fine and recovery of the amount due from them. How can he effect the recovery and how can he send him to jail? And is it not happening in the case of sales-tax? Especially as it is public money, if such a provision is there, what harm is there, I want to know from Sri Srinivasa Iyengar. For the ordinary defaulter, you have got courts. Why should you have this power? You can take action and recover the amount. Sir, I am not going to shield a person who will swallow the funds of the co-operative Institution. But . . .

Mr. SPEAKER.—May I bring to the notice of the Hon'ble Member that the point raised by the other member is, that in case of default there should be conviction? There is no such clause here; that is why, there can be no imprisonment in case of non-payment.

Sri S. SRINIVASA IYENGAR.—No, Sir. If the fine imposed by a magistrate is not paid in time he can not only collect

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the fine but also imprison. I object to the provision of such a power in the co-operative Act. I am opposed to the provision of such a thing in the Bill.

Clause 13.—Sir, you will find there in sub-clause (3) the following:

> "Any person aggrieved by any order of the liquidator may appeal to the Registrar against such order within two months from the date of service of the order on him."

Under the present Act, an appeal against the liquidator, lies to the District Judge. Further appeal to the High Court is also admitted. The amending Bill desires to change this procedure and empower the Registrar to hear appeals. It is definitely not in the interest of the co-operative movement. I want to know the experience of the Government. In how many cases appeals have been filed against the orders of the liquidators? What has been the result? What prompted Government to say that appeal should lie to the Registrar rather than the District Judge? I want to know the reason.

Clause 14.—This clause is about surcharge. Here sub-clause (2) reads as follows:—

> "The order of the Registrar under sub-section (1) shall be final unless it is set aside by the Government on application made."

In the existing Act it is to the District Judge that an appeal has to be preferred. The person who was accused of misappropriation or misbehaviour, had the privilege of being heard by a judicial officer and on the findings of the judicial officer, he had the right of appeal to High Court. Now, it is sought to be taken away. This power is given to the Registrar. Why should Government interfere with the judicial power? Let it remain as it is in the section; otherwise, I must be convinced why they want to change it.

Clause 15. - Clause 15, in my opinion, was unnecessary. As it is, the present Act has a provision called 'the Disputes and Decisions.' Even now if a member is at default to a particular institution, the institution files a suit before the Registrar of Co-operative Societies. The Registrar gives his decision and the decree is executed by the Revenue Authorities. That being the case, why should the present procedure be changed? In the amending Bill it is stated that simply a certificate will be granted by the Registrar and on the strength of that certificate, the society can proceed against the defaulter. I believe, this is dangerous. Taking all these points into consideration, I hold, the Bill seeks to make the Registrar a virtual dictator. I sincerely believe that it is not necessary to go to that extent. I am quite conscious how the societies are working; many of them are not working properly. There have been many defalcations. The Multi-purpose societies have ceased to work in many places. But there are places where the societies have justified their existence. Let us be cautious. After all, the Co-operative Societies Act, 1948, is there for six years and there is no need to amend it further so early. Thank you, Sir.

*Sri A. BHEEMAPPA NAIK.—I heartily welcome the measure that has been brought before this House. My friend, while commencing his speech, began saying that this measure is undemocratic; so many words were also used by him which I do not want to repeat now.

Sri J. MOHAMED IMAM.—Or, you cannot understand.

Sri A. BHEEMAPPA NAIK.—Of course, I cannot understand! Sri Srinivasa Iyengar alone can understand what all he said, he being a banker himself and he knows what it is to recover the money lent and how to recover it. But, he does not want the public money to be recovered by amending this Act. Sir, if we trace the history of these co-operative institutions, we will see what an amount of confidence we had in these institutions doing some good service to the country. We almost began with Bombay and Madras which have progressed far ahead. But, what is it that happened here? On account of this field being made a

free grazing ground, people have begun to lose confidence in these institutions; the confidence is being seriously jeopardised. That is the position to-day. When Government undertakes a measure to restore that confidence in the minds of the public about these institutions, and wants to take steps to recover the public money, my friend says, it is undemocratic. According to him, in a democratic country, perhaps, no money belongs to anybody.

Sri S. SRINIVASA IYENGAR.— My point is, the present Act has enough of powers. I have never said that no action should be taken against a defaulter who takes away public money. The Hon'ble Member cannot charge me saying that I am against taking action against defaulters. That would be misquoting and misrepresenting my arguments.

Sri A. BHEEMAPPA NAIK.—I will show how the present provisions are inadequate and not at all of much help for proper recovery. There are people who have eaten away public money and walking in the streets scot free. I do not want to mention names, but I can quote instance after instance. If, to-day, people do not come forward to take shares, it is because of this failure on the part of many co-operative institutions to function properly. If Government had only looked into these things and made proper provisions in time, perhaps, all this would not have happened. Even in cases where thousands of rupees have been misappropriated, nobody could be committed. Even if anybody is held liable and taken to a criminal court and if the court convicts him, he will simply say: "All right; I will go for six months and come back." Afterwards, there is no provision for the recovery of the amount from him.

Sri S. SRINIVASA IYENGAR.— Even here the same thing happens.

Sri A. BHEEMAPPA NAIK.—No. We can recover every pie of it. Sir, I may point out to my friend that it is public money that we entrust to a single person or a Board and this should not become like the sheep being entrusted to 'Thola' (wolf) for tending. Such person is a trustee of the public money. In instances of irregularities, if such a person is questioned or asked to explain as to how the money was spent or asked to furnish the account, is it undemocratic? If any person who wants to have the management of the trust money, he should be above board and above suspicion. If such a person, when asked to account for the money, asks us to go to court of law, would it be proper? He will say so if we have no power to seize his property immediately and stop further wastage of the public money.

Sir, I will read clause 14—Surcharge:

> "Where, in the course of an audit under section 20 or an enquiry under section 39 or an inspection under section 40 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present president, secretary, member of the managing committee or officer of the society has misapplied or retained or become liable or accountable for any money or property of the society or has been guilty of misfeasance or breach of trust in relation to the society, the Registrar may, on the application of the officer conducting the audit or holding the inquiry or inspection, or of the liquidator or of any creditor or contributory or of his own motion, examine into the conduct of such person and after giving reasonable opportunity to the person concerned to submit his explanation, make an order requiring him to repay or restore the money or property or any part thereof respectively with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society by way of compensation in regard to the misapplication, retainer, misfeasance or breach of trust as the Ragistrar thinks just."

4 P. M.

Sri S. SRINIVASA IYENGAR.— One clarification. Does the Hon'ble

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Member mean that in the present Act there is no provision relating to surcharge ?

Sri A. BHEEMAPPA NAIK.—I was aswering my friend Sri V. Venkatappa when he said that it is recovery of loan. It is not only that but it is much more I said. It is breach of trust, misfeasance, etc.

Sri S. SRINIVASA IYENGAR.—What is the provision about surcharge in the present Act ? Please read it.

Sri A. BHEEMAPPA NAIK.—I am reading the original Act. Why don't you be patient, my friend ? (*Laughter.*) Here they have referred to three sections: section 20, section 39 and section 40. Surcharge comes later on. But now . . .

Sri S. SRINIVASA IYENGAR.—You were giving out that surcharge provision is not in the present Act. There I differed. It is already there.

Sri A. BHEEMAPPA NAIK.—I will show how it was worded then and how it is worded now . . . (*Interruption*) I never interfered with the Hon'ble Member when he began and now he wants to interrupt me. Now, I propose reading section 20 for the information of the Hon'ble Member.

> "The Registrar shall audit or cause to be audited by some person authorised by him or by general or special order in writing in this behalf, the accounts of every registered society once at least in every year." . . .

That auditor is empowered to make a report. It is this that is referred to here. Then section 39: Enquiry and Inspection. During the inspection of these societies if an officer comes to know that there has been misappropriation, he is also empowered to make a report.

> "(1) The Registrar may, of his own motion and shall on the application of the majority of the committee or of not less than one-third of the members, hold an enquiry or direct some person authorised by him by order in writing in accordance with the rules made in this behalf to hold an enquiry into the constitution, working and financial condition of a registered society."

Only that much of power he has and no further powers.

Sri S. SRINIVASA IYENGAR.—Why? There is section 49.

Sri A. BHEEMAPPA NAIK.—I said here in section 39. I will also read section 40.

> "(1) The Registrar may, of his own motion or on application of a creditor of a registered society, inspect or direct some person authorised by him in this behalf by a general or special order in writing to inspect the books of the society and the Registrar or the person so authorised shall have all the powers conferred by sub-clauses (a) and (b) of sub-section 2 of section 39, except the power to examine on oath."
>
> (2) No inspection on the application of a creditor shall be made or directed under sub-section (1) unless such creditor—
>
> (*a*) satisfies the Registrar that the debt is a sum then due, and that he has demanded payment thereof and has not received satisfaction within a reasonable time ; and
>
> (b) deposits with the Registrar such sum as security for the costs of the proposed inspection as the Registrar my require."

The Hon'ble Member wanted me to read section 49. There there is a difference between the original section and this section in the Bill. The original section 49 is as follows:

> "(1) Where in the course of an audit under section 20 or an enquiry under section 39 or an inspection under section 40 or the winding up of a society, it appears that any person who has taken part in the organisation or management of the society or any past or present officer of the

society has misappropriated or fraudulently retained any money. . . ."

That he will have to prove. That word is removed here. He might have retained the money even without any fraudulent intention. Is it possible to show that it was fradulently retained ? You may have money in the society and may retain it in your house and say that there was no intention of fraud, that you simply retained it in your house. How are you going to provet hat it was fraudulently retained? Then,

". . . any money or other property or been guilty of breach of trust in relation to the society, the Registrar may, of his motion or on the application of the committee or liquidator or of any creditor or contributory, examine into the conduct of such person or officer and make an order requiring him to repay or restore the money or property or any part thereof with interest at such rate as the Registrar thinks just or to contribute such sum to the assets of the society or by way of compensation in respect of the misappropriation, fraudulent retainer or breach of trust as the Registrar thinks just.

2) The order of the Registrar under sub-section (1) shall be final unless it is set aside by the District Court having jurisdiction over the area in which the headquarters of the society are situated on application made by the party aggrieved within three months of the date of receipt of the order by him.

(3) Any sum ordered under this section to be repaid to a society or recovered as a contribution to its assets may be recovered on a requisition being made in this behalf to the Deputy Commissioner by the Registrar in the same manner as arrears of land revenue.

(4) This section shall apply notwithstanding such person or officer may have incurred criminal liability by his act."

Here, in the amending Bill, all that has been removed. The words 'fraudulenty retained' are removed because this clause wants to prevent even that and make it clearer. That is all the position.

Sri V. VENKATAPPA (Channapatna).—We have now accepted your explanation.

Sri A. BHEEMAPPA NAIK.—My friend was arguing about the amendment to section 43, that is :

"For the words from 'by distress and sale', to the end of the section, the words 'and on such application such magistrate shall proceed to recover the sum in the same manner as if it were a fine imposed by himself' shall be substituted."

He was saying that it was a fine imposed by himself, *i.e.*, the magistrate and that in default he must suffer imprisonment. That is the substantial sentence and he will have given that also along with the sentence of fine. What happens here is, money is to be recovered ; if he is arrested and brought before the magistrate, that position will be different from the other one. Supposing there are other means of recovery. If he does not pay the fine in default he has to suffer imprisonment, because in the body of the judgment itself that alternative clause will have been put in. But here, while the Registrar says that you must recover so much and in default you must put him into jail, that is not the judgment that is to be given nor is he empowered to do so. Therefore, to recover the fine sentenced by the magistrate, by whatever method, the word 'fine' is used there. Even supposing it is doubtful, my friend Sri Srinivasa Iyengar who is in the Select Committee may see that it is made more clear. That is a different thing. Even supposing he is asked to go to jail, it deserves to be there. Because he has swallowed public money. He does not want to pay also, even by requisition. And the Registrar is incapable of recovering because he is not the magistrate and has no magisterial powers and again he will have to send it to the Revenue Department for recovering the dues. And you know what happens when it

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goes to the Revenue Department for recovery of the dues. It goes to the Revenue Inspector and there the paper remains. That will be the position. Here is public money swallowed and how is it to be recovered? Therefore, the magistrate has been empowered to see, if necessary, that the property is seized, that the house is searched, etc. All these provisions are there. The power that was given to the Deputy Commissioner under the previous Act was to recover the dues as if it was an arrear of land revenue. Supposing the defaulter has no land. If he has land, then it is all right. But if he has no land, he naturally shows himself as an honourable man. Because Brutus was an honourable man, like that, here is an honourable man moving about and making one believe that he is a big man. He has misappropriated Government or public money and when you want to recover the dues, he says 'I have no land, I have no house, I am living in a rented building'. Then, what is his fate? He will have to go to jail. Either he will have to lose his honour or he has to pay. It is a provision by which you prevent these agitators getting into the society. That is a proper provision. So, what I feel is, even if he has to go to jail, it is better that such people go to jail. This provision is beneficial. Why I am saying thus is, it is public money that he has swallowed. We want hereafter India to be built by the co-operation of all, on the basis of co-operation. While that is the case, if such provision is not there, if public money is not safeguarded, where is the safety for anybody? Therefore, I am definitely of the opinion that this clause must be there and it is in the interests of the public.

And then my friend was saying about the production of society's books. If he really wants these accounts to be got, he can file an application and say that these are very necessary in the interests of justice and the court will certainly consider that application if a reasonable cause is shown as to why the accounts are needed. In such a case, any court will permit him. And it is within the experience of lawyers that such applications are being filed and they are being allowed. But supposing, when liquidation proceedings are going on, you ask somebody to summon the records, frivolously, then the records will go away and the liquidation proceedings will have to be stayed and you will be nowhere. Therefore the provision is necessary to safeguard such cases. That is all. If there was no provision at all, if he had said 'these documents shall not under any circumstances be brought before the court', that would have been a different thing altogether.

Sri S. SRINIVASA IYENGAR.—I want one clarification from the Hon'ble Member. The clause says: 'after liquidation'. You were just pointing out cases in the course of liquidation, "Supposing the court wants some records; the entire proceedings will be withheld." But the section here says 'after liquidation'.

> "No officer or liquidator of a registered society and no officer in whose office the books of a registered society are deposited after liquidation shall . . ."

Sri A. BHEEMAPPA NAIK.—I referred to a case in the proceedings of which the society or the liquidator is not a party. You are asking these records to be brought before the court where either the society or the liquidator is not a party. As the legal proceedings you are taking is against the third person, you say that all these liquidation proceedings are kept particularly confidential because here public interest is involved. It may be that while liquidation proceedings are going on, so many adverse remarks might have been passed and these records are kept over. But there is no prohibition from calling for the records. Because the Constitution does not allow such a thing except under certain circumstances. Therefore it is not as though the society is a party to these proceedings. Records are kept safe somewhere and after liquidation it may be an appeal before the Government or elsewhere laying; it may be that distribution

of money may not have been made and the property liquidated. But still there may be circumstances of winding up, and searching out the properties to recover the moneys due from somebody, when the other proceedings are going on. Therefore under such circumstances, a provision like this would be very profitable.

Sir, clause 54A has been inserted in order to recover moneys due to societies. It reads:

> "(1) Notwithstanding anything contained in sections 52, 54, and 64, on an application made by a credit society for the recovery of arrears of any sum advanced by it to any of its members on account of the financing of crops or seasonal finance and on its furnishing a statement of accounts in respect of the arrears, the Registrar may, after making an enquiry in such manner as may be prescribed, grant a certificate for the recovery of the amount stated therein to be due as arrears."

Why this is needed is, so far crop loans were being given. Even the man who is a tenant takes crop loan. He goes on cultivating and when the crop is ripe for cutting and the society feels that he is trying to evade, a certificate to the effect that so much amount is due will be issued and then, seizing or attaching such property only arises in very rare cases. We are now giving on loan huge moneys to the agriculturists. After all this does not affect or hurt any agriculturist who is prepared to pay back such amount. Therefore, such a provision as this is not offensive.

> "55A: Every officer of a society guilty of an offence under clause (b) of section 55, shall on conviction, be punishable with fine which may extend to five hundred rupees."

Section 55 of the Principal Act reads as follows:

> "55. It shall be an offence under the Act if—(*a*) a registered society or an officer or member thereof wilfully makes a false return, furnishes false information; or
>
> (*b*) any person wilfully or without any reasonable excuse disobeys any summons, requisition or lawfully written order issued under the provisions of this Act or does not furnish any information lawfully required from him by a person authorised in this behalf under the provisions of this Act."

Such persons will have to be dealt with properly and there is no necessary provision in the existing Act beyond saying that this shall be an offence. How to convict him? So, there is something to be added to make it more effective. That is what is mentioned in the Bill. There is nothing wrong in that, Sir.

Then clause 18 says that:

> 'In section 69 of the Principal Act, after the word "provisions of this Act", the words "or of orders or rules made thereunder" shall be inserted.'

There is an omission in the principal Act and that omission is made up here, and perhaps to this, my Hon'ble friend is not objecting. His objection mainly perhaps falls on the provisions relating to surcharge and the imposition of fine and on that account alone, he characterised the whole legislation as undemocratic.

Sri S. SRINIVASA IYENGAR.—Not only this. I have objected to other clauses also.

Sri A. BHEEMAPPA NAIK.—He was just saying that the power of appeal to the District Court is taken away; but the power of appeal to Government is there.

Sri S. SRINIVASA IYENGAR.—Executive authority.

Sri A. BHEEMAPPA NAIK.—The entire object is, that it is public money and it is very necessary that that money should be safeguarded. If you just consider the object with which all these provisions are made, it is this: public have vested full confidence in the Government and it is

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the duty of Government to ensure the safety of public money that is invested in these co-operative concerns. If you lend Rs. 10 or Rs. 100 or Rs. 1,000 you take a promissory note; you safeguard the interest and you will be anxiously waiting to get back the amount. Even before you actually lend out money, you make sure whether the party is solvent and whether he is in a good enough position to return the money. But in the case of a co-operative concern, a number of persons are there and it is possible that errors may be committed. It is also possible that the persons in charge may not be as watchful as private persons who have burnt their fingers by giving money. In these circumstances, it is very necessary that the Government should have a careful scrutiny over all these transactions. They must be very careful in these matters. If it has to go through a tardy process of getting back the money in due course, it may be very difficult and sometimes it may be too late before action is taken. The main scheme of the legislation is to enable the Registrar to take effective steps to recover the amounts due to societies and thereby safeguard hundreds and thousands of rupees of public money. That is all the object. But still there is nothing wrong in even giving powers of appeal to some other body and I have no objection to give this power of appeal to courts, or even to the High Court. But that is an amendment which we can propose and it will certainly be considered on its own merits. That is a different thing.

Sir, my Hon'ble friend said that he objects to other clauses also. Here the Government is coming forward to say: 'if you have no money we are prepared to take shares.' I do not know why any one should object to it or I do not know whether he wants to have the pleasure of throwing it away because certain clauses may be offensive to him. When you want these societies to grow in number and in stature, when you want these societies to be more helpful, should it not be the duty of the Government to come to their aid and help these organisations? When once they take shares and subscribe to the capital of the Societies they must also have sufficient supervisory powers, just as they have the powers of nominating directors in the case of joint stock companies in which Government have financial interest. Therefore, Sir, the executive officers should have better rights in this case and they must have the power to check and to recover the money lent out. That is the reason why these provisions have been worded in this way. There is another point involved, Sir. Hitherto, each member was entitled to take 100 shares of Rs. 10 each or 200 shares of Rs. 5 each so as to limit it to Rs. 1,000. But now it has gone up to Rs. 10,000. If you want confidence to be created in people whom you want to deposit up to a limit of Rs. 10,000, it is very necessary that they must feel a sense of safety in regard to their money and that there are certain provisions by which misfeasance or misappropriation could be prevented. Taking these points into consideration, we have to feel that here is an opportunity for the societies to have better chances and here are provisions by which the money which has been entrusted to them will be safer than before. I do not think any reasonable man can take objection to provisions which are designed to make public money safer than ever before. If this is undemocratic, I should say, we will rather have it. I would say, on the other hand, to make money safer is more democratic than any other way which would give room to misappropriations and other things. That way, Sir, I feel that all the provisions that have been included here and the amendments that have been proposeded are in the best interests of the country and best interests of the co-operative movement itself in Mysore. Therefore, Sir, I appeal to the House to welcome this measure and wherever necessary, I have no objection for the Joint Select Committee to make amendments, with a view to promote the co-operative movement.

SRI B. T. KEMPARAJ (Bangalore South-Scheduled Castes).—Mr. Speaker Sir, I wholeheartedly welcome this

measure because it is quite essential at least from the point of view of recovering the large sums of moneys due to various societies. As we know, co-operative institutions have been finding it very hard to recover the loans sanctioned to their members despite the fact that even under the existing Act there are certain powers conferred on the revenue authorities and officers of the Co-operative Department for recovery of these loans. Very often, these officers feel helpless in the matter of recoveries and many a time, these officers themselves will be at the mercy of the members who have taken loans. Very many instances could be quoted, Sir, where members who will be taking so much interest in the institution till the loan is granted, fail even to turn up after receiving the money. Now, Sir, as I see, some objections have been raised by my Hon'ble friend Sri Srinivasa Iyengar. His first objection is that the Government will not be acting in consonance with the democratic spirit if they offer to invest money in co-operative institutions and subscribe to their share capital. Sir, it is a well-known fact that our societies are in a very infantile stage and our societies have not made as much progress as they have made in western countries. The very spirit of co-operation itself is not well-established here. The spirit of harmony and co-operation has not been deep-rooted in the minds of our people as yet. Therefore, it is necessary that the Government should come to the rescue of the co-operative movement and the offer to invest their money in co-operative societies is rather well-timed and I welcome it. It is this factor more than anything else that gives the general public a sense of safety and security for the moneys that they invest. Another reason is, because some persons who have taken loans from these co-operative institutions do not return them or they are not collected properly, the working of these institutions break. Therefore, people are losing confidence in the working of these institutions. It is, therefore, very necessary that Government also invest some amount on shares so as to create confidence in the minds of the public as well as give a lead to them.

4-30 P.M.

Sir, in view of all this, the clauses that are introduced here are all very essential to make the persons who have taken loans from the co-operative institutions, to pay whenever demanded. Therefore, powers have to be given to the Registrar and other officers who are to recover these loans. The Bill, as introduced, is quite satisfactory and it is but right that this should be passed immediately even without referring to the Select Committee. Thank you.

*Sri J. MOHAMED IMAM.— Sir, I would not have taken part in this discussion but for the fact that I have listened two interesting, lucid and loud speeches from either side of this House. Although the speeches are very interesting, each member has put forth his own point of view. Sri Srinivasa Iyengar has vehemently pointed out the defects existing in the proposed amendments. His main objection is of three kinds ; Firstly, that the Registrar has been given undue powers ; secondly, it s undemocratic because the gentlemen who are in charge of the managements have been distrusted to that extent ; and thirdly, for a simple civil liability, people are going to be treated as criminals.

Sir, I must admit that much of the co-operative movement in the State is not of a high standard. I may recall the observation made by the Reserve Bank that they hesitated to advance amounts to the Co-operative societies because they were not all well and run on efficient lines Even now, I think, the Reserve Bank still hesitates. Our co-operative institutions in the State, I am told, are not run as efficiently as they are run in our neighbouring States, like Madras and Bombay. It must be admitted, Sir, that many societies in the State are either defunct or are run on very inferior standard. This whole question must be gone into and thoroughly examined. Sir, a

(SRI J. MOHAMED IMAM.)

Committee was constituted under the presidentship of Justice Chandrasekhariah to examine this question and the Committee submitted a report. On the basis of the report, many amendments have been introduced. It is nearly 20 years since any enquiry was made and I personally feel that a stage has come when a thorough examination should be made and the measure by which these matters are improved formed out. It is better to change this law only after such an enquiry is conducted. I always complain against such hasty legislation. May be, Government feel justified in bringing such legislation. But, when we are going to introduce such radical changes and measures which affect many people, it is better that a thorough investigation is made. I wish, that Governmant had set up a machinery to enquire into the Co-operative Department and find out the defects existing. My friend characterised this Bill as undemocratic because this means that Government does not trust the representatives of the people. All the co-operative societies are being managed on democratic lines. People in charge of these societies are elected by the share-holders who are all important people. They must be given immense powers. Their powers should not be curtailed. As the enhancing of the powers of the Registrar, curtails the powers of the management of the societies, my friend said, this was undemocratic. Government should place the facts and figures before the House as to how many societies are functioning efficiently and how many are not. Sir, we must admit much to our shame that many of the multi-purpose societies which were started with so much of zeal by Sri T. Mariappa and several of the Land Mortgage Societies are not functioning well at all. There are many irregularities. All the advances that were given have become irrecoverable. Therefore, I say that a thorough investigation into all this is very necessary before we pass any hurried legislation.

Again this is a most important clause. My friend Sri Bheemappa Naik was pleased to characterise a defaulter in a co-operative society as a cheat, scoundrel and all sorts of names.

Sri A. BHEEMAPPA NAIK.—Misappropriator.

Sri J. MOHAMED IMAM.—I will give two examples. A certain person borrows money from a private moneylender. And if he becomes a defaulter, he is not a cheat, he is not a misappropriator.

Sri A. BHEEMAPPA NAIK.—I never said that a defaulter is a misappropriator. But when he commits breach of trust or is guilty of misfeasance and all that referred to in the section ?

Sri J. MOHAMED IMAM.—A person has borrowed money from a co-operative society and he becomes a defaulter. Take also the case of a person borrowing money from a private person and he becomes a defaulter. You want a different kind of steps to be taken against the defaulter in the former case. It is discrimination Whether it is in respect of private money or public money, if he becomes a defaulter, the law is the same for both. You cannot discriminate one from the other. It must be judged by a court of law. A civil liability in one case cannot become a criminal liability in another case. That was why my friend was objecting. Supposing he does not pay the amount he has borrowed in time, is there need to haul him up before the magistrate and see that the dues are recovered ? This is not a measure which is in consonance with democratic principles, as pointed out by my friend. Law is the same for both. I think the society or the secretary ought to have taken care to see before advancing money whether he has got sufficient property, whether he has got sufficient credit, whether he is a good client of the society and so on. If they did not do it and the money becomes irrecoverable, you cannot make him criminally liable. There is no objection to make him civilly liable. But the other one is against all principles of law. Whether he has misappropriated private or public money or the money of Government or money of a local fund or a municipal council, he should be treated, according to law, in the same manner as anybody else is treated. No special provision is necessary, as contemplated

here. If a man has misappropriated the funds of a co-operative society, there is the law to take its own regular course and he will be hauled up. No special provision is necessary. To make him stand before a magistrate and ask him to impose a fine, perhaps equal to the sum due by him, and take it from him is, I think, objectionable and I am sure you will thereby be discouraging the co-operative movement. When people know that there are such stringent clauses and when a person knows that for the slightest default he will be hauled up before a magistrate, even the very few people who want to take advantage of the benefits of a co-operative concern will not be encouraged in doing so. So, this provision must be altered and I hope the Select Committee that will be constituted will go into this provision very deeply.

Sri A. BHEEMAPPA NAIK.—Supposing there is a decree to the society, and it is recoverable as arrears of land revenue. A private person cannot recover it as arrears of land revenue. He recovers it through the proper court of law by bringing the property for sale by different method. So discrimination is there. Is that not discriminatory ? Similarly, if such an organisation as a co-operative society wants to have a different procedure adopted for recovery of dues, I do not think it will be a discriminatory law.

Sri J. MOHAMED IMAM.—Another point I must say is this. When a defaulter is hauled up before a magistrate and he imposes a fine equal to the amount he has to pay back to the society, what can you expect that person to pay as fine when he is unable to pay the loan itself ? If he is able to pay the loan, you can certainly take back that loan when the fine is imposed. What are the means by which . . .

Sri A. BHEEMAPPA NAIK.—No fine is imposed. The dues are recovered as if they are in nature of a fine. That is all. The magistrate is not asked to impose a further fine on that. The money which is due, he recovers as though he would recover a fine from the defaulter. That is all.

Sri J. MOHAMED IMAM.—Practically you are making the Magistrate recover the debts. This is unheard of The dues must be recovered through a civil agency or through revenue officers and not by making use of the services of a magistrate. This I should say is highly, I will not say undemocratic but it is against all law. He goes before a magistrate because he is unable to pay the debt. And if he is unable to pay the loan in the form of fine, then the only inevitable course for him will be to go to jail. This is a harsh measure and I am afraid that if this measure is passed, it may go against the co-operative movement and will discourage many persons from becoming members of a society or from taking advantage of the benefits of the society.

Sri A. BHEEMAPPA NAIK.—In Bombay they have these provisions in their law. But still they are thriving better.

Sri J. MOHAMED IMAM.—I have no objection if some stringent measures are taken to improve the affairs of the society. But such measures as these which actually cut deep into the rights of every society must be carefully examined. My friend Sri Srinivasa Iyengar has pointed out the defects in the Bill. He is well-experienced in co-operative movement ; he is associated with co-operative movement and his suggestions are good. I do not think he is seriously opposing this Bill. But facts are placed before this House on cogent lines and they are deserving of consideration. He himself is in the Select Committee and I am sure he will explain his viewpoint and the Select Committee will consider all these facts carefully and come to right conclusions which will help the co-operative movement.

5 P.M.

ಶ್ರೀ ಎ. ಮಸಿಯಪ್ಪ (ಹಿರಿಯೂರು).—ಸ್ವಾಮಿ, ಈ ಮಸೂದಾ ಕಾನೂನು ಸಭೆಯ ಮುಂದೆ ಬಂದಿರ ತಕ್ಕ ಸಮಯದಲ್ಲಿ ಇದನ್ನು ವಿರೋಧಿಸಿ ಮಾತನಾಡಿದ ಮಾನ್ಯ ಸದಸ್ಯರ ಅಭಿಪ್ರಾಯಗಳನ್ನು ಕುತೂಹಲದಿಂದ ಕೇಳಿದ್ದೇನೆ. ಈ ಮಸೂದೆ ಸಭೆಯ ಮುಂದೆ ಬರಬೇ ಕಾದರೆ ಇದ್ದ ನನ್ನಿವೇಶವೇನು, ಯಾವ ಕಾರಣಗಳ ಗಾಗಿ ಇದನ್ನು ಸಭೆಯ ಮುಂದೆ ತರಬೇಕಾಯಿತು ಎಂಬುದನ್ನು ನೋಡಿದರೆ ಇದನ್ನು ಸ್ವಾಗತಿಸಬೇಕೇ ಅಥವಾ ವಿರೋಧಿಸಬೇಕೇ ಎಂಬುದನ್ನು ತೀರ್ಮಾನಿ ಸಲು ಸಹಾಯವಾಗುತ್ತದೆಂದು ನಾನು ತಿಳಿಯು ತ್ತೇನೆ. ಈಗ ಭಾರತ ರಾಜ್ಯಾಂಗವನ್ನು ಆಚರಣೆಗೆ

(ಶ್ರೀ ವಿ. ಮಸಿಯಪ್ಪ.)

ತಂದು ಅದನ್ನು ಯಶಸ್ವಿಯಾಗಿ ಮಾಡುವುದಕ್ಕೆ ಈ ಸಭೆಯವರು ಸತತ ಪ್ರಯತ್ನ ಮಾಡುತ್ತಿದ್ದಾರೆ. ರಾಜ್ಯಾಂಗದ ಮೂಲ ತತ್ವವಾದರೂ Co-operative Commonwealth create ಮಾಡಬೇಕೆಂಬುದು; ಭಾರತದಲ್ಲಿ ಇದನ್ನು ಸಿದ್ಧಗೊಳಿಸಿ, ವ್ಯವಸ್ಥೆಗೊಳಿಸುವುದು. ಪ್ರತಿಯೊಂದು ಜನತೆಯ ಜೀವನದಲ್ಲಿಯೂ Co-operative principles ಜಾರಿಗೆತಂದು ಅವರಿಗೆ ಅದರ ಫ್ರತಿಫಲ ದೊರಕುವ ಹಾಗೆ ಮಾಡಬೇಕೆಂದು ಮಾನ್ಯ ಸಭೆಯವರು ರಾಜ್ಯಾಂಗ ಜಾರಿಗೆ ಬಂದಲಾಗಾಯ್ತು ಒತ್ತಾಯಮಾಡುತ್ತಾ ಇದ್ದಾರೆ. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ—ಬಜೆಟ್ ಭಾಷಣಗಳ ಮೂಲಕ, cut motions ಮೂಲಕ, ಸಾಮಾನ್ಯ ನಿರ್ಣಯಗಳ ಮೂಲಕ, ಪ್ರಶ್ನೋತ್ತರಗಳ ರೂಪದಲ್ಲಿ ಈಗಿನ Co-operative ಕಾನೂನಿನಲ್ಲಿರುವ ಲೋಪದೋಷಗಳನ್ನು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ತಂದಿರುತ್ತಾರೆ ಮತ್ತು ಇದನ್ನು ಬದಲಾಯಿಸಿ ರೈತರ ಹಿತಸಾಧನೆ ಇದರಿಂದ ಹೇಗೆ ಮಾಡಬೇಕೆಂಬುದನ್ನು ತಿಳಿಸಿದ್ದಾರೆ. ಈಗಿನ ಆರ್ಥಿಕ ಮುಗ್ಗಟ್ಟಿನ ಕಾಲದಲ್ಲಿ ರೈತರಿಗೆ ಸುಲಭರೀತಿಯಲ್ಲಿ ಹೇಗೆ ಹಣವನ್ನೊದಗಿಸುವ ವ್ಯವಸ್ಥೆ ಮಾಡಬೇಕು, ತನ್ಮೂಲಕ ಹೇಗೆ ರೈತರ ಏಳಿಗೆಯನ್ನು ಸಾಧಿಸಲು ಸಾಧ್ಯವೆಂಬುದನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಈಗಾಗಲೇ ಹಲವಾರು ಮಾನ್ಯ ಸದಸ್ಯರು ತಿಳಿಸಿದ್ದಾರೆ. ಕೇಂದ್ರ ಸರ್ಕಾರದವರೂ ಹಾಗೂ ಪ್ರಾಂತ ಸರ್ಕಾರದವರೂ ಈ ಬಗ್ಗೆ ಪಾಂಚವಾರ್ಷಿಕ ಯೋಜನೆಯಲ್ಲಿ ಒಂದು ಸ್ಕೀಂ ಅಳವಡಿಸಿ ರಿಜರ್ವ್ ಬ್ಯಾಂಕಿನ ಮೂಲಕ ರೈತಾಪಿ ಜನರಿಗೆ ಹಣದ ಸಹಾಯವನ್ನು ಮಾಡುವ ಪ್ರಯತ್ನ ಸಹ ನಡೆದಿದೆ. ಈಗಾಗಲೇ ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀ ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್ಯರು ಕೋ-ಆಪರೇಟಿವ್ ಸೊಸೈಟಿಗಳಲ್ಲಿ ರೈತರಿಗೆ ಸಾಲಗಳು ಸುಲಭವಾಗಿ ಸಿಕ್ಕುವ ವಿಚಾರದಲ್ಲಿರುವ ತೊಂದರೆಗಳನ್ನು ವಿವರವಾಗಿ ತಿಳಿಸಿದ್ದಾರೆ. ಆದರೂ ಅವರು ಈ ವಿಚಾರದಲ್ಲಿ ಅಲ್ಲಿ ನಡೆಯುವ ವಿದ್ಯಮಾನಗಳನ್ನು ವಾಸ್ತವಿಕ ರೀತಿಯಲ್ಲಿ ಸಭೆಯ ಮುಂದೆ ನಿವೇದನೆಮಾಡಿಕೊಂಡಿದ್ದರೆ ಚೆನ್ನಾಗಿತ್ತು ಎಂದೆನಿಸುತ್ತದೆ.

ಇವೊತ್ತು ಮಾರ್ಕೆಟ್ಟಿನಲ್ಲಿ ಹಣದ ಸ್ಥಿತಿ ಯಾವ ಮಟ್ಟದಲ್ಲಿದೆ, ಹಣ ಒದಗುವುದು ಎಷ್ಟು ಕಷ್ಟವಾಗಿದೆ ಎಂಬುದನ್ನು ನಾನು ಲೇವಾದೇವಿಗಾರರ ದೃಷ್ಟಿಯಿಂದ ಹೇಳುತ್ತೇನೆ. ಹಾಗೆಯೇ ಸಾಲಗಾರರ ದೃಷ್ಟಿಯಿಂದಲೂ ಹೇಳುತ್ತೇನೆ. ಶೇಕಡ 1½ ರೂಪಾಯಿ ಬಡ್ಡಿ ಮೇಲೆ ಸಾಲ ಯಾರಿಗಾದರೂ ಸಿಕ್ಕಿದರೆ, ಅದು ಬಹಳ ಧರ್ಮವಾಗಿರತಕ್ಕ ವ್ಯವಹಾರ ಎಂಬುದು ಎಲ್ಲರಿಗೂ ತಿಳಿದೇ ಇದೆ. ಇಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವ ಸಾಲಗಾರ ಆ ರೀತಿ ಹಣ ತರಲಕ್ಕೆ ಸಾಧ್ಯವಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಶ್ರೀಮಾನ್ ಶ್ರೀನಿವಾಸಯ್ಯಂಗಾರ್ಯರು ಆಲೋಚನೆ ಮಾಡಬೇಕು ಮತ್ತು ಹೊರಗಡೆ ಹಣ ಸಿಕ್ಕದೇ ಇರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ, ಒಂದುವೇಳೆ ಸಿಕ್ಕಿದರೂ ಕೂಡ ಶೇಕಡ ಒಂದು ರೂಪಾಯಿನಂತೆ ಏಕೆ ತರಬೇಕೆಂದು ಕೇಳುತ್ತೇನೆ. ಈಗ ಹಣ ಸಾಲ ಕೊಡುವವನೂ ಕೂಡ ಬಹಳ ಯೋಚನೆಮಾಡುತ್ತಾ ಇದ್ದಾನೆ. ಅಗ್ರಿಕಲ್ಚರರ್ ರಿಲೀಫ್ ಆಕ್ಟ್ ಎಂದು ಬಂದಿದೆ. ಮನಿ ಲೆಂಡರ್ಸ್ ಆಕ್ಟ್ ಎಂದು ಇದೆ. ಹೀಗೆ ನಾನಾ ಕಾನೂನುಗಳನ್ನು ಮಾಡಿಕೊಂಡು ಖಾನಗಿಯಾಗಿ ಹಣ ಕೊಡುವ ಸಾಹುಕಾರರಿಗೆ ಬಡ್ಡಿಯನ್ನು ವಸೂಲುಮಾಡಿಕೊಳ್ಳಲು ನಾನಾ ತೊಂದರೆಗಳೆರುವುದರಿಂದ ಅವರು ಸಾಲ ಕೊಡಲಕ್ಕೆ ಹಿಂಜರಿಯುತ್ತಾ ಇದ್ದಾರೆ. ಅದರಲ್ಲೂ ವ್ಯವಸಾಯಗಾರನಿಗೆ ವ್ಯವಸಾಯಕ್ಕೋಸ್ಕರ ಕೊಡಬೇಕೆಂದರಂತೂ ಬಹಳ ಕಷ್ಟವಿದೆ. ಹೊರಗಡೆ ವ್ಯವಹಾರ ನಡೆಯುತ್ತಾ ಇರುವುದರಲ್ಲಿ ಆಧಾರ ಪತ್ರಗಳನ್ನು ಮಾಡಿಸಿಕೊಂಡು ಯಾರೂ ಸಾಲ ಕೊಡುತ್ತಿಲ್ಲ, ಕ್ರಯ ಪತ್ರಗಳನ್ನೇ ಮಾಡಿಸಿಕೊಂಡು ಸಾಲ ಕೊಡುತ್ತ ಇದ್ದಾರೆ. ಸಾಲ ವಾಪಸ್ಸು ಕೊಟ್ಟರೆ ಸರಿ, ಇಲ್ಲದೇ ಇದ್ದರೆ ಅಲ್ಲಿಗೇ ಮುಕ್ತಾಯವಾಗಬಹುದು. ಇಂಥ ಒಂದು ಪರಿಸ್ಥಿತಿಯಲ್ಲಿ ಯಾವ ಒಂದು ಯೋಚನೆಯಿಂದ ಘನ್ಯ ಸದಸ್ಯರು ಇದನ್ನು ವಿರೋಧಮಾಡಿದರೋ, ನನಗಂತೂ ಬಹಳ ಆಶ್ಚರ್ಯವನ್ನುಂಟುಮಾಡುತ್ತದೆ. ಎರಡನೆಯದು, ಈ ಸಹಕಾರ ಸಂಘಗಳಿಂದ ಸಾಲ ಪಡೆಯತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಕಾನೂನು, ಸಾಧಾರಣವಾಗಿ ಸಮಾಜದಲ್ಲಿ ಜೀರೆ ರೂಪದಲ್ಲಿ ಲೇವಾದೇವಿ ನಡೆಯತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಮತ್ತೊಂದು ತರಹ ಕಾನೂನು—ಈ ರೀತಿ ಇರುವುದು ಡಿಸ್ಕ್ರಿಮಿನೇಟರಿ ಎಂದು ವಿರೋಧಪಕ್ಷದ ನಾಯಕರು ಶ್ರೀ ಇಮಾಂರವರು ಹೇಳಿದರು. ನಾನೂ ಯೋಚನೆಮಾಡಿನೋಡಿದೆ. ಯಾವ ರೀತಿ ಡಿಸ್ಕ್ರಿಮಿನೇಷ್ಷ ಆಗುತ್ತದೆ ಎಂಬುದು ಅರ್ಥವಾಗಲಿಲ್ಲ. ಒಂದು ಪ್ರಶೆಯನ್ನು ನಾನೀ ದಿವಸ ಕೇಳುತ್ತೇನೆ. ಅವರಿಗೆ ಬೇಕಾದಷ್ಟು ಆಸ್ತಿ, ಐಶ್ವರ್ಯ ಇದೆ. ಯಾರಿಗಾದರೂ ಸಾವಿರ ರೂಪಾಯಿ ಸಾಲ ಕೊಡತಕ್ಕ ಶಕ್ತಿ ಇದೆ. ಸಾಲ ಕೊಟ್ಟು ಮುಫತ್ತಾಗಿ ಬಿಡತಕ್ಕ ಚೈತನ್ಯವೂ ಕೂಡ ಅವರಿಗೆ ಇದೆ. ಆದರೆ ಅದೇ ಯಾವುದಾದರೂ ಒಂದು ಸಹಕಾರ ಸಂಘ ಸಾವಿರ ರೂಪಾಯಿ ಸಾಲ ಕೊಟ್ಟಂಥ ಸಂದರ್ಭದಲ್ಲಿ ಅದು ರೆಕವರ್ ಆಗದೆ ಮಿಸ್ ಅಪ್ರೊಪ್ರಿಯೇಟ್ ಆಗಿ ಸಹಕಾರ ಸಂಘಕ್ಕೆ ಲುಕ್ಸಾನಾಗುವ ಪ್ರಮೇಯ ಬಂದರೆ ಅವರೇ ಈ ಸಭೆಯಲ್ಲಿ ಒಂದು ಇಂಟರ್‌ಪೆಲೇಷ್ಷ ಕಳುಹಿಸುತ್ತಾರೆಯೇ ಇಲ್ಲವೇ ಎಂದು ಕೇಳುತ್ತೇನೆ. ಸಾರ್ವಜನಿಕರ ಹಣದ ವಿಷಯದಲ್ಲಿ ಬಹಳ ಎಚ್ಚರಿಕೆಯಿಂದಿರಬೇಕು. Cæsar's wife must be above suspicion. ಸರ್ಕಾರದ ಹಣ ಸಾರ್ವಜನಿಕರ ಹಣ ಯಾವುದಾದರೂ ಸರಿ, ಸರ್ಪಕಾವಲು ಇಟ್ಟಹಾಗೆ ಇಟ್ಟುಕೊಂಡು ರಕ್ಷಣೆ ಮಾಡಬೇಕು. ಹಾಗೆ ಮಾಡಿದರೆ ಸಮಾಜದಲ್ಲಿ ಶಾಂತಿ, ನಂಬಿಕೆ, ಸರ್ಕಾರದಲ್ಲಿ ವಿಶ್ವಾಸ ಇರುತ್ತದೆ. ಅದೇ ಸರ್ಕಾರದ ಅಡಿಪಾಯವಾಗಿರತಕ್ಕ ತತ್ವ. ಆ ತತ್ವವನ್ನು ಬಿಟ್ಟು ಡಿಸ್ಕ್ರಿಮಿನೇಷ್ಷ ಆಗುತ್ತದೆ ಎಂದು ವಾದಮಾಡಿದರೆ ಅದು ಜವಾಬ್ದಾರಿಯುತವಾದ ಹೇಳಿಕೆಯಾಗುತ್ತದೆಯೇ? ಅದು ಹೇಗೆ ಸಮರ್ಪಕವಾಗುತ್ತದೆಯೋ ಅರ್ಥವಾಗಲಿಲ್ಲ.

ಇನ್ನು ರಿಜಿಸ್ಟ್ರಾರ್‌ಅವರಿಗೆ ಹೆಚ್ಚಿನ ಅಧಿಕಾರ ಕೊಟ್ಟಿದೆ, ಇದು ಬಹಳ ಅನ್ಯಾಯ, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಕೋರ್ಟಿಗೆ ಇದ್ದ ಅಧಿಕಾರ ತಪ್ಪಿಸಿದೆ, ಇದೂ ಕೂಡ ಬಹಳ ಅನ್ಯಾಯ ಎಂದು ಕೆಲವು ಅಂಶಗಳನ್ನು ಈ ಕ್ಲಾಸ್‌ಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ಹೇಳಿದ್ದಾರೆ. ಇದರಲ್ಲಿ ನೋಡುವುದಕ್ಕೆ ಪ್ರೈಮಾ ಫೇಸಿ, ಲೋಪದೋಷ ಇದೆಯೇನೋ ಎಂದು ಕಂಡರೂ ಕೂಡ ಆಲೋಚನೆಮಾಡಿದರೆ ಈ ಒಂದು ಕೋ-ಆಪರೇಟೀವ್ ಮೂವೆಂಟ್ ಅನ್ನುವುದೇ, ಮೊದಲೇ ಅರಿಕೆಮಾಡಿಕೊಂಡಹಾಗೆ, ಸಮಾಜದ, ಭಾರತ ದೇಶದ ಜೀವಾಳ, ಮೂಲತತ್ವ. ಈ ತತ್ವವನ್ನಿಟ್ಟುಕೊಂಡು ಕೆಲಸಮಾಡುತ್ತಾ ಇರತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಇದನ್ನು ಎಷ್ಟು ಹುಷಾರಾಗಿ, ಎಷ್ಟು ಎಚ್ಚರಿಕೆಯಿಂದ ಕಾಪಾಡಬೇಕು ಬೆಳೆಸಿಕೊಂಡುಹೋಗಬೇಕೆಂಬುದನ್ನು ಗಮನಿಸಬೇಕಾದ ವಿಚಾರ. ಇದನ್ನು ವಿಚಾರಮಾಡತಕ್ಕ ಸಂದರ್ಭದಲ್ಲಿ ಒಂದು ಮಾತು ಹೇಳಬೇಕಾಗುತ್ತದೆ. ಜಾಯಿಂಟ್ ಸ್ಟಾಕ್ ಕಂಪೆನಿಗಳು ನಮ್ಮ ದೇಶದಲ್ಲಿ ಬೇಕಾದಷ್ಟಿವೆ. ಕೆಲವು ಯಶಸ್ವಿಯಾಗಿ ನಡೆದಿವೆ

ಕೆಲವು ಮುಳುಗಿಕೂಡ ಹೋಗಿವೆ. ಜಾಯಿಂಟ್ ಸ್ಟಾಕ್ ಕಂಪೆನಿ ನಡೆಸತಕ್ಕವರು ಲಕ್ಷಾಂತರ ರೂಪಾಯಿ ಹಾಕಿರತಕ್ಕ ಐಶ್ವರ್ಯವಂತರು, ರೈತರಲ್ಲ. ಅಂಥಾದ್ದು ಒಂದುವೇಳೆ ಮುಳುಗಿ ಹೋದರೂ ಕೂಡ ದೊಡ್ಡದೇನೂ ಆಗುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ. ಜಾಯಿಂಟ್ ಸ್ಟಾಕ್ ಕಂಪೆನಿ ಮುಳುಗಿದರೆ ದೇಶದ ಮೊರೇಲ್‌ಗೆ ಧಕ್ಕೆ ಬರುವುದಿಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ. ಏಕೆಂದರೆ ಕೆಲವಾರು ಐಶ್ವರ್ಯವಂತರ ದುಡ್ಡು ಹೋಗಿರಬಹುದು. ಆದರಿಂದ ಸಾರ್ವಜನಿಕರಲ್ಲಿ ಅಶಾಂತಿ ಅಥವಾ ಅಪನಂಬಿಕೆ ಮೂಡುವುದಕ್ಕೆ ಅವಕಾಶವಿಲ್ಲ. ಅದೇ ಕೋ-ಆಪರೇಟಿವ್ ಸೊಸೈಟಿಗಳನ್ನು ತೆಗೆದುಕೊಂಡರೆ ಅನೇಕ ಕಡೆಗಳಲ್ಲಿ ಫೈನ್ಸ್ ಕಲೆಕ್ಟಿಂಗ್ ಸೊಸೈಟೀಸ್ ಎಂದು ಹೇಳಿ ಪ್ರತಿಯೊಬ್ಬ ಸದಸ್ಯರಿಂದಲೂ ಕೂಡ ಪ್ರತಿದಿನ ಇಷ್ಟು ಕಾನು ಸಂಗ್ರಹಮಾಡಬೇಕು ಎಂದು ಹೇಳಿ ಸಂಗ್ರಹಮಾಡುವುದರ ಮೂಲಕ ಲಕ್ಷಾಂತರ ರೂಪಾಯಿ ಬಂಡವಾಳ ಮಾಡಿ ನಡೆಸುವ ಸಹಕಾರ ಸಂಘಗಳಿವೆ. ಆ ರೀತಿ ಪೂನಾದಲ್ಲಿ ಇದೆ. ಚಿತ್ರದುರ್ಗದಲ್ಲೂ ಆ ರೀತಿ ಒಂದು ಷುರುಮಾಡಿದರು. ಈಗೆ ಅನೇಕ ವಿಧವಾಗಿ ಕ್ರೆಡಿಟ್ ಸೊಸೈಟಿಗಳು, ಲ್ಯಾಂಡ್ ಮಾರ್ಟ್‌ಗೇಜ್ ಸೊಸೈಟಿಗಳು, ಪ್ರಾಡ್ಯೂಸ್ ಮಾರ್ಕೆಟಿಂಗ್ ಸೊಸೈಟಿಗಳು ಎಂದು ಇವೆ. ಇದರಲ್ಲಿ ಷೇರು ಹಣ ಹಾಕಿರುವವರು ಯಾರು, ಎಂದರೆ 5 ರೂಪಾಯಿನ ಷೇರು ದಾರರು, ತಿಂಗಳಿಗೆ ಒಂದೊಂದು ರೂಪಾಯಿ ಕೊಡತಕ್ಕ ಶಕ್ತಿ ಇರತಕ್ಕ ಜನರು. ಇಂಥ ಜನರ ಸಂಖ್ಯೆ ಅಪಾರವಾದದ್ದು. ಅವರು ಕೊಡತಕ್ಕ ಹಣ ಕಡಮೆ ಆದರೂ ಸಂಖ್ಯೆ ಹೆಚ್ಚು. ಇದನ್ನು ಏಕೆ ಒತ್ತಿ ಒತ್ತಿ ಹೇಳುತ್ತಿದ್ದೇನೆ ಎಂದರೆ ಇದರಲ್ಲಿರತಕ್ಕ morale aspectನ್ನು ಪರಿಶೀಲನೆಮಾಡಬೇಕಾಗಿರುತ್ತದೆ. ಒಬ್ಬಿಬ್ಬರು ಹಣ ಜಾಸ್ತಿ ಹಾಕಿದ್ದು ಅಂಥ ಸಂಸ್ಥೆ ಹೋದರೂ ಕೂಡ ಸಮಾಜದ ಮೊರೇಲ್ affect ಆಗುವುದಿಲ್ಲ. ಇಲ್ಲಿ ಹಣ ಕಡಮೆ ಆದರೂ ಜಾಸ್ತಿ ಜನಕ್ಕೆ affect ಆಗುತ್ತದೆ. ಯಾವುದಾದರೂ ಒಂದು ಸೊಸೈಟಿಯಲ್ಲರತಕ್ಕ ಬಂಡವಾಳದಲ್ಲಿ ಒಂದೆರಡು ಸಾವಿರ ರೂಪಾಯಿ ದುರುಪಯೋಗವಾಯಿತು ಅಥವಾ ಇನ್ನಾವುದಾದರೂ ರೂಪದಲ್ಲಿ ಅದು ಲಕ್ವಿಡೇಷನ್‌ಗೆ ಬಂತು ಎಂದರೆ ಆ ಸಹಕಾರ ಸಂಘದಲ್ಲರತಕ್ಕ ನೂರಾರು, ಸಾವಿರಾರು ಜನ ಸಾಮಾನ್ಯ ಷೇರುದಾರರ ಮೇಲೆ ದುಷ್ಪರಿಣಾಮ ಉಂಟಾಗುತ್ತದೆ. ಮುಂದೆ ಸರ್ಕಾರದವರಾಗಲಿ, ಸಾರ್ವಜನಿಕರಾಗಲಿ ಯಾರು ಷೇರ್ ಕ್ಯಾಪಿಟಲ್ ವಸೂಲು ಮಾಡುವುದಕ್ಕೆ ಹೋಗುತ್ತಾರೋ ಅಂಥವರ ಮೇಲೆ ಕೆಟ್ಟ ಅಪವಾದ ಬಂದು ಅವರು ಸಮಾಜದಲ್ಲಿ ತಲೆ ಎತ್ತಿಕೊಂಡು ಓಡಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿಲ್ಲದಹಾಗಾಗುತ್ತದೆ. ಆಯಾ ಪ್ರದೇಶದ ಮುಖಂಡರು, ಸಾರ್ವಜನಿಕ ಸೇವಕರು, ಸರ್ಕಾರದವರು ಎಲ್ಲರೂ ಕೂಡ ಅಪಮಾನಕ್ಕೆ ಗುರಿಯಾಗಬೇಕಾಗುತ್ತದೆ. ಅದು ಸಹಕಾರ ಸಂಘದ ತತ್ವಕ್ಕೇ ಧಕ್ಕೆಯನ್ನುಂಟುಮಾಡುತ್ತದೆ. ಆದ್ದರಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಒಂದು ಅನುಭವದಿಂದ ತಂದಿದ್ದಾರೆ. ಆ ಅನುಭವದ ನಿದರ್ಶನ ಇದರಲ್ಲಿ ಕೊಟ್ಟಿದ್ದರೆ ; ಚೆನ್ನಾಗಿತ್ತು; ಬಹುಶಃ ಇಷ್ಟು ಕಷ್ಟ ಪಾಗುತ್ತ ಇರಲಿಲ್ಲ. ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಸಹಕಾರ ತತ್ವದ ಅನುಷ್ಠಾನದಲ್ಲಿ ಅಡ್ಡಿ ಆತಂಕ ಬರದೇ ಇರಲಿ ಎಂದು ತಂದಿದ್ದಾರೆಯೇ ಹೊರತು ಯಾರಿಗೋ ಕೆಲವರಿಗೆ ತೊಂದರೆಮಾಡಬೇಕೆಂಬ ದೃಷ್ಟಿಯಿಂದ ತಂದಿದ್ದಾರೆ ಎಂದು ಯಾರೂ ಭಾವಿಸಬಾರದು. ಲ್ಯಾಂಡ್ ಮಾರ್ಟ್‌ಗೇಜ್ ಸೊಸೈಟಿಗಳಲ್ಲಿ ಲಕ್ಷಾಂತರ ರೂಪಾಯಿ ಅನಾಯಕವಾಗಿ ಖರ್ಚಾಗಿದೆ. ಉದಾಹರಣೆಗೆ ದೊಪ್ಪಿಕೇಟ್ ಮೇಲೆ ಒಂದು ರಸೀತಿ, ಕೆಳಗೊಂದು ರಸೀತಿ ನಡುವೆ ಕಾರ್ಬನ್ ಪೀಟ್ ಇಲ್ಲ. ಪಾರ್ಟಿಗಳಿಗೆ ಡಾಕ್ಯುಮೆಂಟನ್ನು ಪಾಪನುಮಾಡಿದ್ದಾರೆ. ಸೊಸೈಟಿಗಳಲ್ಲಿ ಜಮಾ ಆಗಿರುವುದಕ್ಕೆ ದಾಖಲೆಯೇ ಇಲ್ಲ.

Mr. SPEAKER.—May I know what more time the Hon'ble member requires to conclude ?

Sri V. MASIYAPPA.—I require some more time, Sir.

Mr. SPEAKER.—Then, we shall now take up the discussion on question No. 79, regarding the future of Mysore and the formation of Karnataka.

DISCUSSION ON QUESTION No. 79.

Formation of Karnataka.

*ಶ್ರೀ ಜೆ. ಮಹಮ್ಮದ್ ಇಮಾಂ (ಜಗಳೂರು).—ಸ್ವಾಮಿ, ನಾನು ಅಖಿಲ ಕರ್ನಾಟಕದ ವಿಷಯವಾಗಿ ಕೆಲವು ಅಂಕಿಅಂಶಗಳನ್ನು ತಿಳಿದುಕೊಳ್ಳಲು ಪ್ರಶ್ನೆಯನ್ನು ಕಳುಹಿಸಿದ್ದೆ. ಅದು 79ನೆಯ ಪ್ರಶ್ನೆ. ಆ ಪ್ರಶ್ನೆಯಲ್ಲಿ ಫಜಲ್ ಅಲಿ ಕಮಿಷನ್ ಇಲ್ಲಿಗೆ ಬಂದಾಗ ಅವರಿಗೆ ಮೈಸೂರಿಗೆ ಸಂಬಂಧಪಟ್ಟ ಮತ್ತು ಕರ್ನಾಟಕಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಸಮಸ್ಯೆಗಳನ್ನು ತಿಳಿಸಲು ಸರ್ಕಾರದವರು ಏನು ಸಲಕರಣೆ ಒದಗಿಸಿದ್ದಾರೆ, ಸರ್ಕಾರದವರು ಈ ವಿಷಯವಾಗಿ ಯಾವ ತೀರ್ಮಾನಕ್ಕೆ ಬಂದಿದ್ದಾರೆ, ಈ ವಿಚಾರದಲ್ಲಿ ಪ್ರಜೆಗಳಿಗೆ ಮತ್ತು ನಮಗೆ ಯಾವ ಸೂಚನೆಯನ್ನು ಕೊಡುತ್ತಾರೆ ಎಂಬುದಾಗಿ ಕೇಳಿದ್ದೆ. ಸರ್ಕಾರದವರು ಅವರ ಜವಾಬಿನಲ್ಲಿ ಇನ್ನೂ ತಾವು ಯೋಚನೆ ಮಾಡುತ್ತಿದ್ದೇವೆಂದು ಹೇಳಿದ್ದಾರೆ. ಇದು ಬಹಳ ಶೋಚನೀಯವಾದುದು. ಅವರು ಯೋಚನೆ ಮಾಡುತ್ತಿದ್ದಾಗಲೇ ಕೇಂದ್ರ ಸರ್ಕಾರದಿಂದ ನಿಯಮಿಸಲ್ಪಟ್ಟ ಸಮಿತಿಯು, ಫಜಲ್ ಆಲಿಯವರು ಅಧ್ಯಕ್ಷರಾಗಿರುವ ಸಮಿತಿಯು ನಮ್ಮ ಸಂಸ್ಥಾನಕ್ಕೆ ಬಂತು, ನೋಡಿತು ಮತ್ತು ಪಾಪನು ಹೋಯಿತು. ಆ ಸಮಿತಿಯವರು ನಿರಾಶರಾಗಿಯೇ ಪಾಪನು ಹೋದರೆಂದು ಹೇಳಿದರೆ ಖಂಡಿತವಾಗಿಯೂ ನಾನು ಸತ್ಯವನ್ನೇ ಹೇಳುತ್ತಿದ್ದೇನೆಂದು ತಿಳಿಯಬೇಕು. ಅವರು ಅಸಮಾಧಾನದಿಂದ ನಮ್ಮ ಸಂಸ್ಥಾನವನ್ನು ಬಿಟ್ಟು ಹೋದರೆಂದು ನಮಗೆ ಖಂಡಿತವಾಗಿಯೂ ಗೊತ್ತಾಗಿದೆ. ನನ್ನ ಪಕ್ಷದವರ ಪರವಾಗಿಯೂ ಸಹ ನಾನು ಅವರನ್ನು ಕಂಡು ನಮ್ಮ ಪಕ್ಷದ ತತ್ವ ಮತ್ತು ನಾವು ಅನುಸರಿಸಬೇಕಾದ ನೀತಿ ಇವುಗಳನ್ನು ಅವರ ಮುಂದೆ ನಿರೂಪಿಸಿದ್ದೇನೆ. ಆಗ ಅವರ 'ಇಲ್ಲಿನ ವಿಚಾರ ತಿಳಿದು ನಮ್ಮ ಸಂಸ್ಥೆ ಇಲ್ಲಿಗೆ ಬಂದಾಗ, ಅಖಿಲ ಕರ್ನಾಟಕ ಬಹಳ ಮುಖ್ಯವಾದ ಸಮಸ್ಯೆಯಾಗಿರುವಾಗ, ಸರ್ಕಾರದವರಿಂದ ಕೊಂಚವೂ ಸಹಾಯ ದೊರೆಯಲಿಲ್ಲ, ಸಹಕಾರ ದೊರೆಯಲಿಲ್ಲ ಮತ್ತು ಸರ್ಕಾರ ಯಾವ ಪಂಗಡವನ್ನು, ಯಾವ ಪಕ್ಷವನ್ನು ಪ್ರತಿನಿಧಿಸುತ್ತದೆಯೋ ಆ ಪಕ್ಷದಿಂದ ಸಹಕಾರ ದೊರೆಯಲಿಲ್ಲ' ಎಂದು ಬಹಳ ವಿಷಾದದಿಂದ ಹೇಳಿದರು. ಆ ಕಾಲದಲ್ಲಿ ಸಮಿತಿಯ ಮುಂದೆ ಹೋಗಿದ್ದ ಅನೇಕ ಮಹನೀಯರು 'ನಮಗೆ ನಿಮ್ಮ ಮುಂದೆ ಅಭಿಪ್ರಾಯ ಸೂಚಿಸಲು ಅಧಿಕಾರವಿಲ್ಲ' ಎಂದು ಹೇಳಿದರು. ಈ ಸಮಿತಿ ಕರ್ನಾಟ